IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 27 OF 2007

SHREE DEVI BHUMIKA DEVASTHAN
THROUGH MANAGING COMMITTEE
REPRESENTED BY ATTORNEY ANTA
NAMDEV GAONKAR ... Applicant

Versus

THE ADMINISTRATOR OF DEVALAYS AND
MAMLATDAR OF PERNEM AND 2 ORS., ... Respondents

Mr. S. M. Volvoikar, Advocate for the Applicant.
Mr. S. R. Rivonkar, Government Advocate for the State/Respondent No.3.
Ms. Sapna Mordekar, Advocate for the Respondent No.2.

Coram:- N. A. BRITTO, J.

Date:- 7th December, 2007

P.C.:-

Heard Mr. S. M. Volvoikar, learned Counsel on behalf of the Applicant.

The Applicant has filed the present application, styling the same as a review application to set aside the Order dated 4-10-2007 passed in Writ Petition No.395 of 2007.

From the Order dated 4-10-2007 it appears that the Petitioner had filed a Writ Petition challenging the Order of the Administrative Tribunal at Goa in Devasthan Appeal No.1/2007 and the Administrative Tribunal had dismissed the appeal filed by the Petitioner, through its Managing Committee, represented by its Vice-President on the ground that the appeal had not been filed through a competent authority.

This Court by Order dated 4-10-2007 declined to entertain the Writ

Petition filed by the Petitioner inter alia holding that the election was already held and admittedly Devasthan Election Appeals No.1/2007, 2/2007 and 6/2007 challenging the validity of the said election were pending and therefore entertaining the Writ Petition would be only an academic exercise. This Court therefore held that this was not a fit case to entertain the Writ Petition.

In my view, the discretion having exercised not to entertain the Writ Petition, the same cannot be reviewed by this Court. The appropriate remedy for the Petitioner is elsewhere against wrong exercise of discretion.

This Court also held that in not entertaining the Writ Petition, the same will not in any way affect the rights of the Petitioner, if any, available in law.

Review Application is therefore dismissed in limine.

N. A. BRITTO, J.

RD.